

Remarks

This is a response to the non-final action in this application in which claims 1-37, 40-62 and 81-96 are pending in the application and claims 63-81 have been withdrawn. The Examiner has indicated that several claims have been objected to but would be allowable if rewritten in independent form. The applicants decline to do so at this time pending the outcome of this response.

The Applicant and his attorney would like to thank the Examiner for his time spent during the personal interview which took place at the Examiner's office on February 21, 2007, in which a discussion was had regarding U.S. Patent No. 6,609,132 (White, et al.), which is the patent upon which the Examiner has based his rejections of the remaining claims of the application. The discussion included a statement of the fact that the present invention does not use tables to store the data items which are in the database system, which would distinguish the present invention from White, and the Examiner remarked that this limitation should appear in the claims. As described below we have amended the claims to include this limitation.

Claims 1-22, 31-35, 40-46, 49, 51, 52-53, 60-62 and 85-96 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner states that the architecture described appears to be a data structure. In response to this rejection the Applicants have amended all currently pending independent claims of the invention to include the limitation that the data items be "stored on a computer-readable media." The addition of this limitation should render the claims statutory subject matter. The applicants direct the Examiner's attention to MPEP § 2106.01, wherein a data structure is described as being "functional descriptive material" as opposed to "non-functional descriptive material." The MPEP states, regarding functional descriptive material: "when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and

functionally interrelated to the medium and would be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Further under Subsection I in that section, directed specifically to data structures, the MPEP states: “a claimed computer readable medium encoded with a data structure defines structural and functional inter-relationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.” Therefore the limitation that the data items stored in the database be stored on a computer-readable media should sufficiently address the Examiner’s concerns with respect to § 101. according to those passages from the MPEP.

The Examiner has rejected Claims 1-4, 7, 9-16, 53, 85-87, 89-92 under 35 U.S.C. § 102(e) as being anticipated by the previously mentioned White, et al. To address this rejection the Applicants have taken out references to the phrase “a data instance central architecture” because we believe the meaning of the phrase is unclear in the context of the claims. In addition, we have included a limitation in all independent claims of the application that the fundamental data structures which encapsulate the data instances stored in the database be stored in non-tabular form. This should properly distinguish from White as White clearly shows that the data objects, as well as the relationship types and relationships between the data objects, are stored as table entries in relational database tables. (*See* Figures 2 & 3, and passages cited in the previous response). The fact that the data instances of the present application are required to be stored in non-tabular form distinguishes from White and, as a result, the Applicants respectfully requests that the Examiner withdraw the claim rejections based upon White.

The remainder of the claims which have been rejected have been rejected under 35 U.S.C. § 103(a) as being unpatentable over White in view various other U.S. patents. For the same reasons as discussed above with respect to the § 102(e) rejection based solely on White, the present invention is

distinguishable from White in that the data elements stored in the database are stored in non-tabular form, as opposed to White where all information is stored in relational database tables. As a result, the addition of the limitation that the data is stored in non-tabular form should also address the rejections under § 103 in view of White and other U.S. Patents.

The Examiner has indicated that claims 25-26, 29-30, 35, 37, 41, 43, 45, 46 and 91 have been objected to as being dependent upon rejected base claims but will be allowable if rewritten in independent form. The Applicants decline to do so at this time pending the outcome of this response. In addition, the Examiner states in paragraph 16 that these claims would be allowable if rejections under 35 U.S.C. § 112 have been addressed. The Applicants assume that the Examiner meant 35 U.S.C. § 101 instead of 112, as no 112 objection appears in the office action. The reference to the 101 rejection has been addressed above with the modification of the independent claims of the application to include the limitation that the data structures be stored on a computer readable media. Note that changes to dependent claims were made to clarify the language of the claims and not in response to any specific rejection by the Examiner. As such, these changes should not limit the scope of those claims.

Conclusion

The Applicants have addressed the 101 rejection by including structural limitations as noted in MPEP § 2106.01 and have addressed the 102 and 103 rejections by distinguishing the claims of the present application from White by noting adding the limitation that the data instances of the present application be stored in non-tabular form. As a result, the Applicants believe that all currently pending claims are in condition for allowance and respectfully request that the Examiner issue the Notice of Allowance in response to this office action. Once again the Applicants thank the Examiner for taking the time to meet with the Applicant and his attorney on February 21, 2007. Should the Examiner have any questions regarding these changes, the Applicant requests that the Examiner contact the Applicant's attorney listed below.

Respectfully submitted,



Dennis M. Carleton
Reg. No. 40,938
FOX ROTHSCHILD LLP
625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
(412) 394-5568